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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,074	01/10/2006	Gabor Diosi	ZAHFRI P800US	7146

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EXAMINER	
REESE, ROBERT T	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
01/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,074	DIOSI ET AL.	
	Examiner	Art Unit	
	ROBERT T. REESE	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *1-13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/10/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits. Claims 14-24, as originally filed, are currently pending and considered below.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Jens et al. (Figures 6a to 6d) (DE-19934405).

As per claim 14, Jens et al. discloses: An oil-guiding shaft (2), with an inner shaft space (35) coaxial with or axis-parallel to a longitudinal axis (Depicted in figures 6a and 6b) of the shaft and a means arranged in the inner shaft space (4) for dividing the inner shaft space into at least two oil-guiding ducts separated from one another, the at least two oil-guiding ducts being formed as open ducts (42 and 55) open along a length on an inside wall of the shaft (depicted in figures 6a to 6d) and being separated and sealed from one another by a tube (4) inserted into the inner shaft space, the open ducts formed in the shaft are formed by non-concentric bores whose cross-sections overlap (depicted in figures 6c to 6d).

As per claim 15, Jens et al. discloses: the open ducts are formed by one of a boring tool and all-round press-forming of the shaft (Column 1, lines 43-63-A cenet translation was used).

As per claim 16, Jens et al. discloses: the open ducts have one of a circular and a groove-shaped cross-section geometry (depicted in figures 6c and 6d).

As per claim 17, Jens et al. discloses: the open ducts (42 on both sides of 4 as depicted in figure 6c) are arranged in the shaft such that longitudinal axes of the open ducts all lie in a single plane (depicted in figure 6c).

As per claim 18, Jens et al. discloses: at least two of the open ducts (42 on both sides of 4 as depicted in figure 6c) are arranged relative to a further open duct (55) such that a longitudinal axis of the first open duct and a longitudinal axis of the second open duct (This is construed to be element 55) lie in different planes.

As per claim 19, Jens et al. discloses: at least one radial lubricant bore is formed in the shaft, which leads from one of a lubricant source and from a lubricant consumer to the tube (cenet provided abstract).

As per claim 20, Jens et al. discloses: at least one end of the tube has a connection section (24, 25), with which the tube is one of supported and mounted on a wall (Depicted in figures 6a and 6b) of the inner shaft space and which seals the ducts from one another (Depicted in figures 6c and 6d).

As per claim 21, Jens et al. discloses: the tube (4) has one of a cylindrical (Depicted in figures 6c and 6d), a star-shaped, a three-sided and rectangular cross-

section geometry with an at least partially circular outer periphery (Depicted in figures 6c and 6d).

As per claim 22, Jens et al. discloses: the tube (4) is formed as one of a hollow and a solid section (Depicted in figures 6a to 6d – It is construed that the tube wall is the hollow section.).

As per claim 24, Jens et al. discloses: the shaft (2) has radial bores (57) leading to the ducts (55) through which a pressure medium can one of be fed and emerge from the ducts (Depicted in figures 6a to 6c).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jens et al. (Figure 6a to 6d) (DE-19934405).

As per claim 23, Jens et al. (figures 6a to 6d) disclose all of the structural limitations of claim 22 above.

However, Jens et al. (figures 6a to 6d) does not disclose: an inside space of the tube, formed as a hollow section, constitutes one of the ducts.

Jens et al. (figures 1a to 1c) discloses: an inside space of the tube (4), formed as a hollow section, constitutes one of the ducts (depicted in figures 1a- 32'' and 33'' are bores within plugs, element 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify oil guiding shaft of Jens et al. (figures 6a to 6d) with the use of the interior of the hollow tube as a duct, as taught by Jens et al. (figures 1a to 1c), to increase the volume of lubricant delivered by providing an additional flow path for the lubricant.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brock et al. (2,202,330) discloses a camshaft. Riemschied et al. (5,577,420) discloses a cam shaft for an internal combustion engine. Matsumoto et al. (5,885,066) discloses a scroll compressor having oil bores formed through the crankshaft. Fraser et al. (5,007,808) discloses a slotted rotor shaft lubrication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT T. REESE whose telephone number is (571) 270-5794. The examiner can normally be reached on M_F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

RTR